

**JOINT MEETING OF
THE GROUND WATER RESOURCES COMMISSION
AND THE GROUND WATER MANAGEMENT ADVISORY TASK FORCE
1ST MEETING
SUMMARY**

Friday, March 26, 2004

Prepared by:

The Department of Natural Resources

Office of Conservation

Ground Water Resources Division Staff

Call to Order

James H. Welsh, Commissioner of Conservation, introduced the members of the new Ground Water Resources Commission and the Ground Water Management Advisory Task Force.

Commission members in attendance:

James H. Welsh, Commissioner of Conservation;

Steve Chustz, the Department of Environmental Quality;

Richard Durrett, the Sparta Ground Water Conservation District;

Karen Irion, the Department of Health and Hospitals;

John Roussel, the Department of Wildlife and Fisheries;

Brad Spicer, the Department of Agriculture and Forestry;

Michael Taylor, the Department of Economic Development;

Linda Zaunbrecher, Farm Bureau Member;

Bo Bolourchi, the Department of Transportation and Development;

Michael J. Bourgeois, the Louisiana Landowners Association;

Mark A. "Tony" Gulotta, the Louisiana Municipal Association;

Darwin Knochenmus, the Capital Area Groundwater Conservation District;

Walter J. Savage, the Police Jury Association; and

Linda M. Walker, League of Women Voters, Louisiana Wildlife Federation, and the Coalition to Restore Coastal Louisiana.

Advisory Task Force Members in Attendance:

Jess Barr, the Cotton Producers Association;

Gene Coleman, the Sparta Groundwater Conservation District;

Patrick Credeur, the Louisiana Rural Water Association;

Representative N. J. Damico, the Chair of the House Committee on Environment;

Dr. René De Hon, the University of Louisiana at Lafayette, Geology Department;

Charles R. Demas, Louisiana District Chief, U.S.G.S., Water Resources Division;

Dr. Timothy W. Duex, University of Louisiana at Lafayette, Geology Department;

Britt Paul for Donald W. Gohmert, Louisiana State Conservationist;

Marshall “Mike” Goree, Louisiana Irrigation Association;

Henry T. Graham, Jr., Louisiana Chemical Association;

George H. Guidry, Jr., Chairman of the Louisiana Pulp and Paper Association;

Gary Hanson, LSU Shreveport – Red River Watershed Management Initiative;

Brad Hanson for Chacko J. John, Director of the Louisiana Geological Survey;

Randy P. Lanctot, Executive Director of the Louisiana Wildlife Federation;

Charles Litteral, President of the Louisiana Cattlemen Association;

Morgan Smith, Louisiana Rice Growers Association;

Senator Max T. Malone, Chair of the Senate Committee on Natural Resources;

Kyle McCann, Louisiana Farm Bureau Federation;

Dr. Fulbert L. Namwamba, Southern University;

Dr. James D. Nelson, Louisiana Tech/Engineering Department ;

Eugene H. Owen, Municipal Water Association;

Jim Pratt, Sabine River Authority;

Edmond J. Preau, Jr., DOTD/Red River Compact Commission;

Dr. William B. Richardson, Chancellor, L.S.U. Agricultural Center;

Michael W. Wascom, Citizens for a Clean Environment;

Ronald J. Rodi, P.E., A Louisiana Engineering Society registered Engineer with Reservoir Experience; and

James “Dennie” D. Williams, Association of Public Utilities (LA Electric Utility Association).

Introduction of the Ground Water Resources Division Staff

Mr. Duplechin, Director of the Ground Water Resources Division, gave a brief bio for each member of his staff. Staffers include: Mr. Timothy J. Seiler, Sr., Geologist; Mr. Bill Walter, Geologist; and Mrs. Charlotte Hardison, Administrative Specialist.

Overview of the Duties and Responsibilities mandated by ACT 49 (2003)

Mr. Duplechin reviewed the duties and responsibilities of the Office of Conservation, the Ground Water Resources Commission, and the Ground Water Management Advisory Task Force mandated in ACT 49 of the 2003 Regular Session of the State Legislature. Copies of any information presented during the meeting may be obtained by contacting the Ground Water Resources Division via e-mail (gwater@dnr.state.la.us) or Mrs. Hardison at charlotteh@dnr.state.la.us or (225) 342-8244.

Staff Accomplishments

Mr. Duplechin informed the Commission and Advisory Task Force of the Division activities since the last meeting in March 2003.

Overview of ACT 49

Act 49 of the 2003 Regular Session placed the administration of all matters related to the management of the State's ground water resources in the Office of Conservation. Copies of the duties and responsibilities for the Office of Conservation, the Ground Water Resources Commission and the Ground Water Management Advisory Task Force were distributed to those present. Details may be found in Act 49 or in the transcript of the meeting.

Proposed Rules

Mr. Seiler gave an overview of the emergency rule and the proposed permanent rule published in the March 20, 2004 issue of the Louisiana State Register. In accordance with OSR uniform formatting procedure, these rules were moved from Title 33 to Title 43 for topical placement. He answered questions regarding the differences in the proposed rule and the former rule (Act 446). Act 49 changes the primary authority for the management of ground water from the Ground Water Management Commission to the Commissioner of Conservation. The areas of change fall under five (5) general categories: 1) the changes in authority references from the Commission to the Commissioner of Conservation, 2) the rewording of certain definitions and sections to agree with Act 49; 3) minor editorial corrections such as more properly codifying sections and spelling out acronyms; 4) insert sections for the removal or modification of a ground water area designation, the requirements of which parallel the requirements for the designation of a critical ground water area; and 5) the additions of a few all new sections regarding appeals and water well notification requirements by owners. A link to the State Register's website is located on the Ground Water Resources Division website: www.dnr.state.la.us/cons/gwater/gwrd-index.htm.

Update on the Status of the Sparta Application

June 6, 2002 - a Notice of Intent was published in the parish journals of each affected parish.

July 25, 2002 - the Sparta Application was received by the Ground Water Management Staff.

August 7, 2002 - the staff requested additional information.

August 16, 2002 – the additional information was received by the Commission staff.

August 23, 2002 – the application was deemed to be administratively complete.

October 9, 2002 – the initial was scheduled in Ruston, Louisiana. A notice of the hearing was mailed to each Official Parish Journal in the affected parishes. A CD-ROM or hard copy of the application, along with all supporting evidence, was mailed to libraries and police juries in the area under petition.

October 16, 2002 – the applicant confirmed receipt by the libraries and police juries of this information.

October 23, 2002 – the staff contacted the libraries and police juries to verify receipt.

November 19, 2002 – the initial public hearing was held in the Ruston High School Auditorium. No decision was made by the Ground Water Management Commission on the application.

July 1, 2003 – The Sparta Commission requested the application be considered under the new law, Act 49. The Office of Conservation replied to the Sparta Commission saying the Office would consider the application and the staff would continue to review the application.

The Office of Conservation's legal counsel recommended a written decision in the form of a draft order be issued before the findings are presented to the Sparta Commission. The order shall contain a statement of findings and shall include but not be limited to the designation of the critical ground water area boundaries, recommended plans to preserve and manage ground water resources of the critical area available to the applicant, participants in the original application hearing and any other persons requesting a copy.

The final order will be made part of the permanent record of the Commissioner and shall be made available to the public on request. Critical ground water area designation may be appealed only to the 19th Judicial District Court.

Commission Questions and Comments

A question was raised regarding Section 303, Subsection B which applies to the modification or removal of a critical ground water area designation giving the public a way out of a critical ground water area designation.

Questions were raised regarding the effect the proposed rules will have on the Sparta Application for Critical Ground Water Designation. No additional hearing will be required due to the new rules. The review of the application should be complete before the end of June, 2004.

Commission Charge to the Advisory Task Force

It was recommended that the subcommittees under ACT 446 be reviewed. Another suggestion made is to have a specific contact person for the Advisory Task Force due to the large membership.

Public Comments

Marty Rowlands, a Civil Environmental Engineer, provided a written report to the Commission. He summarized the report by suggesting that some performance measures be taken such as feet per year drawdown, as a performance measure on the health of an aquifer.

Task Force Comments

A verbal challenge was made for the Commission, in its administration of ACT 49 and the intent behind the act, to foster a policy which can develop better use of our natural resources with respect to water rather than presiding over a group of rules which just simply address a potential scarcity as it may develop in order to foster a drive toward developing policies to promote the economy of abundance rather than the economy of scarcity of resources.

The recommendation was made for the Advisory Task Force to meet after the current Commission meeting to look at new procedures and reorganize.

A member of the Commission recommended a legislative update be prepared for the next meeting and that the new members of the Commission and Advisory Task Force receive copies of the C.H. Fenstermaker report. The report is available on CD-ROM by request.

Schedule for the next Meeting

The next Ground Water Resources Commission meeting is tentatively scheduled for **Wednesday, June 23, 2004, at 1:30 p.m.** in the Conservation and Mineral Resources Hearing Room (LaBelle) in the LaSalle Building; 617 North Third Street; Baton Rouge, Louisiana 70802.

Adjourn

The meeting adjourned at 11:00 a.m.